



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 2, 1991

Ms. Danna Gallegos
Assistant City Attorney
300 N. Loraine, Room 320
Midland, Texas 79702-1152

OR91-457

Dear Ms. Gallegos:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13613.

You have received two requests for the names of witnesses listed on police department accident reports. You claim that criminal charges related to the accidents for which these reports were made are still pending and that the names of the witnesses may be withheld from mandatory public disclosure under section 3(a)(8) of the Open Records Act.

We have considered the exception you claim and have reviewed the documents submitted to us. Previous open records decisions issued by this office resolve your request. Open Records Decision No. 251 (1980) held that accident reports prepared by peace officers after January 1, 1970, are public under section 47 of article 6701d, V.T.C.S. *See also* OR91-408. Section 47 expressly provides for the release of accident reports and states, in pertinent part:

After January 1, 1970, the Department [of Public Safety]
shall provide a copy or copies of any peace officer's
report submitted after that date to any person upon
written request

The Open Records Act's exceptions do not, as a general rule, apply to information

expressly made public by other statutes. Open Records Decision No. 525 (1989). Accordingly, you may not properly invoke a section 3(a)(8) exception and must release the requested information immediately.

Because published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-457.

Very truly yours,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/GK/lb

Enclosures: Open Records Decision No. 251
Returned Documents

Ref.: ID# 12539

cc: Mr. Joe Hart
Farmers Insurance Group
Midland Branch Claims Office
P.O. Box 7747
Midland, Texas 79708

Mr. Angel Diaz Nunez
Attorney at Law
1701 N. Big Spring
Midland, Texas 79701